

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

United States

v.

Case No. 1:06cr-20

Dwayne Anderson

FILED

APR 28 2009

Date: 04-26-09

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

RE: Motion to Dismiss Count thirteen for insufficiency
of the evidence.

MOTION

Comes now, Dwayne Anderson, Pro-Se, and moves the Court
to dismiss Count thirteen for insufficient evidence. The
Government never proved who answered the phone on Dec.
13, 2005 on any of the three occasions. The Appeals Court
affirmed Count thirteen, but the sufficiency of the ev-
idence was never challenged. The Appeals Court remanded
for future proceedings.

CC: Sherman Lamber/Attorney at Law
AKA/ file

Thank You
Sherman Lamber